

3 REMARKS

5 The Examiner's thoughtful attention to this application is sincerely appreciated.

7
8 The elastic exercise apparatus of the invention is believed to be particularly
9 comfortable to use, which facilitates the exercise of an individual's hand. The comfort of
10 the exercise apparatus is due to the ability of a user to **elastically**:
1112 1. **Twist** the upper portion of the apparatus, and
1314 2. **Bow or arch** the apparatus into the upper palm and lower fingers of the
15 user,
1617
18 in the manner illustrated in Figs. 3 and 4 of the application. The Giraldi reference (U.S.
19 1,623,869) does not disclose a hand exercise apparatus that functions in this manner. Nor
20 do the many other existing hand exercise apparatus appear to function in this manner.
21 Other existing hand exercise apparatus focus on simply compressing, radially or otherwise,
22 an exercise apparatus and do not focus on producing an exercise method in which
23 exercise apparatus:
2425
26 1. Elastically rotates and twists **simultaneously with movement of the fingers**
27 as the user's hand closes, and
28

1 2. **Arches into the palm** of the user's hand as the user's hand closes.

2
3 Applicant endeavored to amend the Claims to recite clearly the above noted
4 features of the invention.
5

6
7 Applicant respectfully submits that the amended Claims are not anticipated under
8 35 U.S.C. Section 102 nor rendered obvious under 35 U.S.C. Section 103 by the
9 references of record.
10

11 If the Examiner finds merit in the foregoing remarks and amendments, it is believed
12 the application is in condition for allowance and such action is earnestly solicited.
13
14

15 Respectfully submitted,

16
17 

18 _____
19 TOD R. NISSLE, Reg. No. 29,241
20 TOD R. NISSLE, P.C.
21 P. O. Box 55630
22 Phoenix, Arizona 85078
23 Tel: 602-494-8700
24 Fax: 602-494-8707
25 E-mail: nissle@nissle.com
26
27
28

23 Attorney's Docket No. 1074-P-1
24
25
26
27
28